IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 2711 OF 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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MAGANBHAI SOMABHAI DESAI & ORS. - Petitioner(s)
Versus
DIRECTOR, GEER FOUNDATION & ORS. - Respondent(s)

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Appearance :
Shri Nilesh M. Shah for Petitioner(s).
Shri P.S. Patel for Respondent(s) : 1 - 2.
Shri I. M. Pandya, AGP for Respondent(s) : 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 01/08/2007

ORAL JUDGMENT

After going through the petition and upon hearing the

learned Counsel for the parties, I am of the opinion that the petition cannot be maintained in this Court because if the order dated 31st March, 1998 (Annexure 10/A) amounts to discharge, removal or dismissal order, then, the correctness, validity and propriety of the same will have to be challenged before the competent Labour Court under Section 10 of the Industrial Disputes Act, 1947.

2. I refuse to interfere in the matter, but, however, grant liberty to the petitioners to approach the learned Labour Court. The question of delay would be sympathetically considered by the learned Labour Court taking into consideration that the petition was pending in this Court for almost about nine years.

3. Accordingly, the petition is disposed of with the liberty aforesaid. Rule is discharged. Interim relief if any is vacated. No costs.

[R.S.Garg, J.]

*kamlesh**